IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

P R E S E N T

THE HON'BLE MR. JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 1263 of 1998

Between :

1. Vemula Pochamallu s/o Chantaiah, aged 60 years,
2. Katakam Pedda Lingaiah, s/o Pochaiah, aged 50 years,
3. Bomma Balaiah, s/o Ramaiah, aged 50 years,
4. Dubasi Durgaiah s/o Balaiah, aged 60 years,
5. Debbati Lingaiah s/o Borraiah, aged 55 years, R/o Adavinagapalli, v/o Manthani mandal,
6. Vemula Papa Rao s/o/ Ramaiah, aged 55 years,
7. Velpula Pullaiah s/o Mallaiah, aged 40 years,
8. Edandla Ramaiah s/o Chinnaiah, aged 46 years,
9. Ganga Mallaiah, s/o. Gattaiah, aged 40 years, occ: Agrl. R/o Kondampet village, Malhal Rao Mandal,
10. Ettaveni Ailaiah, s/o Komaraiah, aged 40 years, occ: Agrl. R/o –do-
11. Mulka Ankaiah s/o Mallesh, aged 50 years, occ: Agrl. R/o –do-
12. Baloori Baghya Laxmi w/o Rajeshwar Rao, aged 51 years,
13. Surineni Tirumala Rao s/o Rajeshwar Rao, aged 30 years,
14. Aeth Srinivas Reddy s/o Raghava Reddy, aged 33 years, occ: Agriculture,
15. Shankaraiah s/o. Mallaiah, aged 30 years,
16. Archanapalli Ramaiah, s/o Mallaiah, aged 60 years, R/o Nagaram, H/o Vavilala, V/o Jammikunta mandal,

17. Eitha Karnakar Reddy s/o Sammaiah, aged 30 years,

18. Aith Sammayya s/o Veeramallu, aged 55 years,

19. Bamma Laxma Reddy s/o Banaiah, aged 30 years,

20. Lingampally Rajaiah, s/o Mallaiah, aged 45 years,

21. Gattu Odalu s/o Gataiah, aged 25 years,

22. Lingampalli Narayan Rao s/o Mallaiah, aged 30 years,

23. Suddari Sammakka w/o Rajaiah, aged 60 years,

24. Yerram Raju Suguna Devi w/o Purushotham Rao, aged 42 years, occ: Agricluture, R/o Vallamkunta, v/o Malahal Rao mandal,

25. Yerram Raju Mamatha d/o Purushotham Rao, aged 25 years,

26. Yerram Raju Purushotham Rao s/o Laxman Rao, aged 52 years,

27. Bantu Chennaiah s/o Gattaiah, aged 30 years,

28. Nukala Laxmaiah s/o Bakkaiah, aged 50 years.

(Petitioners 1 to 7 and 12 and 13 to 28 are all Agriculturists and are R/o

Vallamkunta village, Malhal Rao mandal, Karimnagar District,)

..... PETITIONERS

AND

1 Union of India, Rep. by its Secretary, Finance Department, North Block, New Delhi.
2 Government of Andhra Pradesh Rep. by its Secretary, Food and Agriculture, (Coop) Department, Secretariat, Hyderabad.
3 The State Bank of Hyderabad, Rep. by its Branch Manager, Manthani Branch, Karimnagar District.
4 Sathavahana Grameena Bank, Rep. Branch Manager, Vilasagar Branch, Vilasagar, Karimnagar District.
5 Karimnagar District Coop. Central Bank, Rep. by its Branch Manager, Manthani Branch, Karimnagar District.
6 Karimnagar District Coop. Central Bank, Rep. by its Branch Manager, Jammikunta Branch, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of the Writ of

"Mandamus" declaring the action of the respondents in not waiving the petitioners loans as illegal, arbitrary, unconstitutional and violative of G.O.Ms.No. 665, dated 17/10/1990, and consequently direct the respondents to waive the loans due to respondents 3 to 6 which were availed by the petitioners which were outstanding as on 02/10/1989.

For the Petitioners MR.S.NIRANJAN REDDY, Advocate

For the Respondent No.1 : S.C. for Central Government,

For the respondent No.2 : Govt. Pleader for Food & Agrl.

For the Respondent No.3 : Mr.Andepally Suryanarayana, Advocate

For the Respondent No.4 : MR.P.NAGESWAR SREE, Advocate

For Respondents 5 and 6 : Mr. P. M. Gopal Rao, Advocate

The Court made the following :

O R D E R:

The grievance of the petitioners is that they are all small farmers and eking out their livelihood by cultivating their respective lands. According to the petitioners, the Central Government came out with a policy of waiving the loans incurred in respect of agriculture up to a limit of Rs. 10,000/- which were outstanding with the farmers to the various financial institutions and banks as on 2.10.1989. Pursuant to the said policy, 2nd respondent i.e., Government of A.P. issued G.O.Ms.No. 665, dated 17.10.1990, stating that the State Government would contribute its share of 50% in waiving the loans to the farmers. Though the petitioners obtained loans amounting to less than Rs. 10,000/- and are clearly within the terms and conditions of G.O.Ms.No. 665, dated 17.10.1990, the respondents are insisting upon the payment of loan amounts and, as such, they have constrained to approach this Court and filed the present writ petition seeking a writ of Mandamus declaring the action of the respondents in not waiving the petitioners' loans as illegal and arbitrary.

This Court while ordering notice before admission on 21.1.1998 directed the respondents not to take any coercive steps against the petitioners for the recovery of loans, if they are covered by G.O.Ms.No. 665, dated 17.10.1990.

If it is a fact that the petitioners obtained loans and are covered by the terms and conditions of G.O.Ms.No. 665, dated 17.10.1990, the respondents are hereby directed not to insist upon the payment of loans borrowed by them in view of the policy of the Central Government implemented by the State Government waiving the loans incurred in respect of the agricultural lands up to a limit of Rs. 10,000/- which were outstanding with the farmers to the various financial institutions and banks as on 2.10.1989.

This writ petition is accordingly disposed of. No costs.

7th December,2004

vp

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Secretary, Finance Department, Union of India, North Block, New Delhi,

2. The Secretary, Food & Agriculture (Coop.) Department, Govt. of A.P. Secretariat, Hyderabad

3. The Branch Manager, State Bank of Hyderabad, Manthani Branch, Karimnagar District,

4. The Branch Manager, Sathavahana Grameena Bank, Vilasagar branch, Vilasagar, Karimnagar District,

5. The Branch Manager, Karimnagar District Cooperative Central Bank, Manthani branch, Karimnagar District,

6. The Branch Manager, Karimnagar District Cooperative Central Bank, Jammikunta branch, Karimnagar District.

7. 2 C.Cs to Govt. Pleader for Food & Agrl. High Court buildings, Hyderabad (O.U.T)

8. 2 C.D. copies.